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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit:
	)	
Soren NIELSEN et al	)	
	)	
	)	Washington, D.C.
	)	
U.S. App. No.: 09/845,717	)	
	)	
	)	October 29, 2001
National Filing Date: May 2, 2001	)	
	)	
For: METHODS OF TREATMENT OF...	)	Docket No.: NIELSEN3B

PRELIMINARY AMENDMENT

Honorable Commissioner for Patents and Trademarks  
Washington, D.C. 20231

Sir:

Contemporaneous with the filing of this case and  
prior to calculation of the filing fee, kindly amend as  
follows:

IN THE CLAIMS

5. (Amended) Method according to claim 1 wherein the dosage of  $\alpha$ -MSH and/or of an  $\alpha$ -MSH equivalent and EPO and/or an EPO equivalent is administered as a single dosage, regular or continued administration, or as a sequential administration.
6. (Amended) Method according to claim 1 wherein condition is caused by an infection.
7. (Amended) Method according to claim 1 wherein the condition is caused by a cancer or a by premalignant disorder.
8. (Amended) Method according to claim 1 wherein the  $\alpha$ -MSH equivalent is a substance acting on the  $\alpha$ -MSH receptor and/or on the melanocortin receptor.

9. (Amended) Method according to claim 1 wherein the treatment or prevention comprises administration of a dosage unit of EPO and/or an EPO equivalent.

10. (Amended) Method according to claim 1 wherein a combination of  $\alpha$ -MSH and/or  $\alpha$ -MSH equivalent with EPO and/or an EPO equivalent is administered.

Please cancel claim 11.

Please add the following claims:

13. (New) Method according to claim 3 wherein the dosage of  $\alpha$ -MSH and/or of an  $\alpha$ -MSH equivalent and EPO and/or an EPO equivalent is administered as a single dosage, regular or continued administration, or as a sequential administration.

14. (New) Method according to claim 3 wherein condition is caused by an infection.

15. (New) Method according to claim 3 wherein the condition is caused by a cancer or a by premalignant disorder.

16. (New) Method according to claim 3 wherein the  $\alpha$ -MSH equivalent is a substance acting on the  $\alpha$ -MSH receptor and/or on the melanocortin receptor.

17. (New) Method according to claim 3 wherein the treatment or prevention comprises administration of a dosage unit of EPO and/or an EPO equivalent.

18. (New) Method according to claim 3 wherein a combination of  $\alpha$ -MSH and/or  $\alpha$ -MSH equivalent with EPO and/or an EPO equivalent is administered.

If, inadvertently, a proper multiple dependent claim has not been amended to reduce it to single dependency, please amend it to be dependent solely on the first-mentioned claim, or, if that is not possible, please cancel the claim and notify the undersigned.

REMARKS

The above amendments to the claims are being made in order to eliminate multiple dependency and for the purpose of reducing the filing fee. Please enter this amendment prior to calculation of the filing fee in this case.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: 

Iver P. Cooper  
Registration No. 28,005

IPC:sfg

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

**In the claims:**

Claim 5 has been amended as follows:

5. (Amended) Method according to claim 1 [or 3] wherein the dosage of  $\alpha$ -MSH and/or of an  $\alpha$ -MSH equivalent and EPO and/or an EPO equivalent is administered as a single dosage, regular or continued administration, or as a sequential administration.

Claim 6 has been amended as follows:

6. (Amended) Method according to claim 1 [or 3] wherein condition is caused by an infection.

Claim 7 has been amended as follows:

7. (Amended) Method according to claim 1 [or 3] wherein the condition is caused by a cancer or a by premalignant disorder.

Claim 8 has been amended as follows:

8. (Amended) Method according to claim 1 [or 3] wherein the  $\alpha$ -MSH equivalent is a substance acting on the  $\alpha$ -MSH receptor and/or on the melanocortin receptor.

Claim 9 has been amended as follows:

9. (Amended) Method according to claim 1 [or 3] wherein the treatment or prevention comprises administration of a dosage unit of EPO and/or an EPO equivalent.

Claim 10 has been amended as follows:

10. (Amended) Method according to claim 1 [or 3] wherein a combination of  $\alpha$ -MSH and/or  $\alpha$ -MSH equivalent with EPO and/or an EPO equivalent is administered.

Claim 11 has been cancelled.

Claims 13-18 have been added.